

**REMARKS**

Please reconsider the application in view of the following remarks. Applicant thanks the Examiner for carefully considering the application.

**Status of the Claims**

Claims 1-22 are all the claims pending in the application. Of those, claims 1, 8, 11, and 20 are independent. The remaining claims depend, directly or indirectly, from claims 1, 8, 11, and 20.

**Rejection of Claims 1-22 under 35 U.S.C. § 102(e)**

Claims 1-22 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2004/0225679 (“Oran”). This rejection is respectfully traversed.

As a preliminary matter, Applicant notes that the Examiner’s rejection cited a second reference, U.S. Patent No. 5,896,165 (“Rao”), to be combined with Oran. Accordingly, the rejection of claims 1-22 is not a proper rejection under 35 U.S.C. § 102 because the rejection is based on a combination of references, not a single reference as required to anticipate the claims under 35 U.S.C. § 102. Applicant believes the Examiner to have intended to reject claims 1-22 under 35 U.S.C. § 103 as being unpatentable over Oran and Rao. To expedite prosecution of this application, this obviousness rejection is respectfully traversed.

The present application provides a method and apparatus for initiating a session in a “store and forward” messaging system. Each of the pending claims recites a method or apparatus for so doing. As described in the Background section of the application, a store and forward messaging system is distinguished from a conventional telephony session in that the communication is indirect. Specifically, in a conventional telephony session, the caller and

callee are placed into direct communication. In contrast in a store and forward messaging system, a user calls the system to deposit a message for a subscriber to the system. At a later time, the subscriber can dial in or otherwise remotely access the store and forward messaging system. An example of such a store and forward messaging system is a Voice/Video Call Answering (VCA) system.

Independent claims 1 and 8 of the present application recite methods for initiating a session in a store and forward messaging system. The method recited in claim 1 includes receiving a session connection request from a guest of the store and forward messaging system. The method recited in claim 8 includes receiving a session connection request from a subscriber of the store and forward messaging. Independent claims 11 and 20 recite a store and forward messaging system. Among other features, the store and forward messaging system recited in claim 11 includes a receiving unit which receives a session connection request from a guest of the store and forward messaging system. The store and forward messaging system recited in claim 20 includes a receiving unit which receives a session connection request from a subscriber of the store and forward messaging system. Thus, each of the claims recites a store and forward messaging system, or a method for using such a system.

As noted by the Examiner, Oran fails to disclose a store and forward messaging system. To provide a store and forward messaging system, the Examiner cites Rao. Applicant submits that the video answering machine disclosed by Rao also does not qualify as a store and forward messaging system. A store and forward messaging system, by definition, must be able to forward the message to a subscriber. Rao merely provides a system for receiving and storing a video message. Rao is silent on forwarding a message received from a caller. The only message

transmitted by the video answering machine is the message pre-recorded by the callee (Fig. 3 of Rao). An audio or video message received from a caller is only recorded and stored by the video answering machine (items 80 and 82 in Fig. 3 of Rao). The user (not a subscriber) of the video answering machine must be physically present to view/hear the stored message because the video answering machine does not provide for forwarding of the deposited message. Thus, by definition, Rao is not a store and *forward* messaging system. Accordingly, any conceivable combination of Oran and Rao would still fail to show or suggest a store and forward messaging system, as recited in each of the pending claims.

Assuming *arguendo* that Rao did disclose a store and forward messaging system as alleged by the Examiner, it is unclear from the Examiner's rejection as to how or why the allegedly obvious combination would occur. Oran is silent on the use of a store and forward messaging system. However, the Examiner's rejection is premised on Oran disclosing each of the recited steps performed by and with a store and forward messaging system. For example, regarding claims 1 and 8, the Examiner alleges that Oran discloses "determining a subscriber of the store and forward messaging system for whom a guest wishes to deposit a message." *Office Action*, pg. 3. It is unclear how Oran can possibly disclose this step while being silent on a store and forward messaging system, let alone a subscriber thereof. Each of the features regarding a guest or subscriber of a store and forward system are particular to such a system, not the direct communications disclosed by Oran. Accordingly, Applicant submits that it is not obvious to one of ordinary skill in the art to combine Oran with any store and forward messaging to arrive at any of the claimed methods or systems.

Response under 37 C.F.R. § 1.111  
U.S. Appln. No. 10/765,870

In view of the above, Oran and Rao, whether considered separately or in combination, neither show nor suggest the present invention as recited in claims 1, 8, 11, and 20. Accordingly, claims 1, 8, 11, and 20 are patentable over Oran and Rao. Dependent claims are patentable for at least the same reasons as claims 1, 8, 11, and 20. Accordingly, removal of this rejection is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

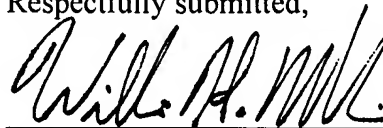
SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Respectfully submitted,



William H. Mandir  
Registration No. 32,156

Date: December 1, 2006